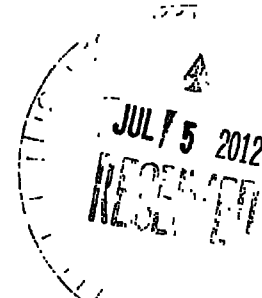




655 Fifteenth Street, NW, Suite 225  
Washington, DC 20005

balljanik.com

t 202.638.3307  
f 202.783.6947



July 5, 2012

Karl Morell  
Of Counsel

kmorell@balljanik.com

BY HAND DELIVERY

Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
Office of Proceedings  
395 E Street, SW  
Washington, DC 20423

ENTERED  
Office of Proceedings

JUL 05 2012

Part of  
Public Record

Re: STB Docket No. AB 6 (Sub-No. 483X), BNSF Railway  
Company -- Abandonment Exemption -- In Los Angeles  
County, California

Dear Ms. Brown:

Attached for filing are the original and ten copies of a Notice of  
Exemption under 49 C.F.R. § 1152.50. Also attached is a check  
covering the \$3,600 filing fee.

If you have any questions, please call me.

Sincerely,

Karl Morell  
Of Counsel

**FILED**

JUL 05 2012

**SURFACE  
TRANSPORTATION BOARD**

Enclosures

**FEE RECEIVED**

JUL 05 2012

**SURFACE  
TRANSPORTATION BOARD**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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<b>BNSF RAILWAY COMPANY</b>	)	
<b>ABANDONMENT EXEMPTION</b>	)	<b>DOCKET NO. AB 6</b>
<b>IN LOS ANGELES COUNTY,</b>	)	<b>(SUB-NO. 483X)</b>
<b>CALIFORNIA</b>	)	

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**NOTICE OF EXEMPTION**

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**BNSF RAILWAY COMPANY**  
2650 Lou Menk Drive  
P.O. Box 96157  
Fort Worth, TX 76161-0057

**David T. Rankin**  
Senior General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828  
(817) 352-2383

**Karl Morell**  
Of Counsel  
BALL JANIK LLP  
Suite 225  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005  
(202) 638-3307

Dated: July 5, 2012

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

<b>BNSF RAILWAY COMPANY</b>	)	
<b>ABANDONMENT EXEMPTION</b>	)	<b>DOCKET NO. AB 6</b>
<b>IN LOS ANGELES COUNTY,</b>	)	<b>(SUB-NO. 483X)</b>
<b>CALIFORNIA</b>	)	

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**NOTICE OF EXEMPTION**

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BNSF Railway Company ("**BNSF**") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon BNSF's Rail Freight Service Easement ("Freight Easement") over the 5.3-mile rail line owned by Los Angeles County Metropolitan Transportation Authority ("LACMTA") and located in Los Angeles County, California, beginning at Milepost 7.95 (just north of West 67<sup>th</sup> Street curblin) and extending to Milepost 13.25 (just south of the existing Metro Green Line structure), in the City of Los Angeles (the "**Line**"). The Line contains the stations of Hyde Park, Ortiz, Inglewood, and Williams.

**1.     *Proposed consummation date.***

The proposed consummation date is August 24, 2012.

**2.     *Certification required by 49 C.F.R. § 1152.50(b).***

The required certification is attached hereto as **Exhibit A**.

**3.     *Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).***

**(a) General.**

**(1) *Exact name of applicant.***

BNSF Railway Company

**(2) *Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.***

BNSF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

**(3) *Relief sought.***

The Line is part of a group of rail lines acquired by Los Angeles County Transportation Commission ("LACTC"), a predecessor of the LACMTA. *See Finance Docket No. 32172, Los Angeles County Transportation Commission – Acquisition Exemption – The Atchison, Topeka and Santa Fe Railway Company* (not printed), served December 2, 1992. In that transaction, The Atchison, Topeka and Santa Fe Railway Company ("ATSF") retained the exclusive binding, permanent easement to continue providing freight common carrier service over the Line. Subsequently, the Board's predecessor, the Interstate Commerce Commission ("ICC"), found that the commuter service restrictions on ATSF's freight service in the shared use agreement were so extensive as to substantially impair the effect of the permanent easement. Consequently, LACTC's successor, the LACMTA, was deemed to be a railroad subject to the jurisdiction of the ICC. *Orange County Transp. – Exempt. – Atchison, T. & SF. Ry. Co.*, 10 I.C.C.2d 78

(1994). LACMTA and a number of other county transportation agencies sought and obtained a blanket exemption from 49 U.S.C. Subtitle IV for their ownership and operation over the rail lines they had acquired from ATSF. *See* STB Finance Docket No. 32173, *et al.*, *Orange County Transportation Authority, Riverside County Transportation Commission, San Bernardino Transit Development Board, North San Diego County Transit Development Board – Acquisition Exemption – The Atchison, Topeka and Santa Fe Railway Company* (not printed), served March 12, 1997. Consequently, LACMTA's abandonment of its operations over the Line has already been exempted by the Board. BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon its Freight Easement over the 5.3-mile rail line located in Los Angeles County, California, beginning at Milepost 7.95 (just north of West 67<sup>th</sup> Street curblin) and extending to Milepost 13.25 (just south of the existing Metro Green Line structure), in the City of Los Angeles. There has been no local traffic for about 10 years. The Line does not handle overhead traffic. The Line was used for storing empty freight cars which will now be stored in other locations as needed. Therefore, there will be no change to any freight service provided on the Line.

**(4) *Map.***

A map of the Line is attached as **Exhibit B**.

- (7) ***Name, title and address of representative of applicant to whom correspondence should be sent.***

Karl Morell  
Of Counsel  
BALL JANIK LLP  
Suite 225  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

- (8) ***List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses.***

The Line traverses U.S. ZIP codes: 90043, 90045, 90245, 90301, and 90305.

- (e) ***Rural and community impact.***

- (4) ***Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.***

The physical assets of the Line are owned by LACMTA. LACMTA desires to construct and operate the Crenshaw/LAX Transit Corridor Project (the "Project"). The Project is a light rail line that will start at the Metro Green Line near the existing Aviation/LAX station and terminate on Crenshaw Boulevard at the Metro Exposition Light Rail Line. The Project will require BNSF to abandon the Line. Consequently, the Line is not available for public purposes other than the Project.

4. ***The level of labor protection.***

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

**5. *Certification.***

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as **Exhibit C**.

**6. *Environmental Report.***

The Environmental Report containing information required by 49 C.F. R. § 1105.7(e) was filed with the Board on June 14, 2012. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

**7. *Historic Report.***

The Historic Report containing information required by 49 C.F.R. § 1105.8 was filed with the Board on June 14, 2012.

Respectfully submitted,



**Karl Morell**  
Of Counsel  
BALL JANIK LLP  
Suite 225  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005  
(202) 638-3307

**David T. Rankin**  
Senior General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828  
(817) 352-2383

Dated: July 5, 2012

**EXHIBIT A**

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS  
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

**STATE OF TEXAS**

)

)

**ss.**

**TARRANT COUNTY**


)

I, Farah Ali, being duly sworn depose and state that I am Manager Network Studies for BNSF Railway Company ("**BNSF**"), that I am authorized to make this verification and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail line located between Milepost 7.95 (just north of West 67<sup>th</sup> Street curblin) and Milepost 13.25 (just south of the existing Metro Green Line structure), in the City of Los Angeles, Los Angeles County, California ("the **Line**") for at least two years. Also, no overhead traffic has been handled on the Line for at least two years. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.




The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.

  
\_\_\_\_\_  
Farah Ali  
Manager Network Studies

SUBSCRIBED AND SWORN TO before me this 25 day of June, 2012.

My Commission Expires: \_\_\_\_\_



  
\_\_\_\_\_  
Notary Public

# The National Map

NOTES: Data available from U.S. Geological Survey, National Geospatial Program.

Proposed Crenshaw Segment Abandonment.  
From MP 7.95 (just north of West 67th Street)  
To MP 13.25 (just south of Metro Green Line structure)



MP 7.95

MP 13.25

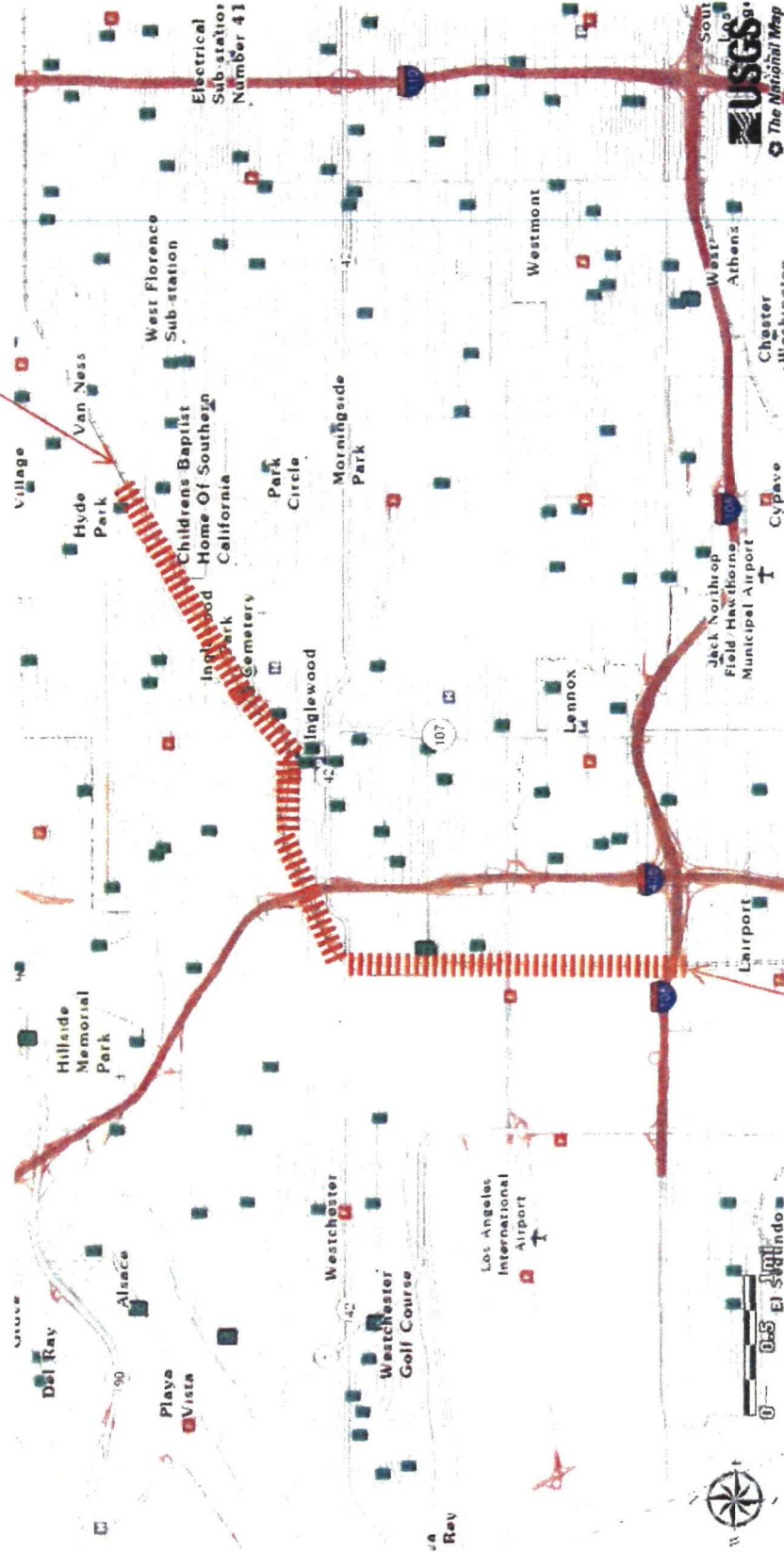


EXHIBIT B

## **EXHIBIT C**

### **CERTIFICATE OF SERVICE**

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB 6 (Sub-No. 483X) was mailed via first class mail on June 20, 2012, to the following parties:

#### **State Public Service Commission**

California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

#### **Military Traffic Management Command**

Military Surface Deployment and Distribution Command Transportation  
Engineering Agency  
ATTN: SDTE-SA (Railroads for National Defense)  
1 Soldier Way, Building 1900W  
Scott AFB, IL 62225-5006

#### **National Park Service**

U.S. Department of the Interior  
National Park Service  
Recreation Resources Assistance Division  
1849 C Street, NW  
Washington, DC 20240-0001

Ms. Christine Lehnertz, Reg. Dir.  
Pacific West Region  
National Park Service  
333 Bush Street, Suite 500  
San Francisco, CA 94104-2828

#### **U.S. Department of Agriculture**

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor N.W., Yates Building  
201 14<sup>th</sup> Street, SW  
Washington, DC 20250

Dated: July 5, 2012

  
Karl Morell

## **CERTIFICATE OF PUBLICATION**

The undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB 6 (Sub-No. 483X) was published on July 2, 2012, in The Los Angeles Daily News, a newspaper of general circulation in Los Angeles County, California as required by 49 C.F.R. § 1105.12.

Dated: July 5, 2012

  
Karl Morell

**CERTIFICATE OF SERVICE  
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that, in STB Docket No. AB 6 (Sub-No. 483X) the transmittal letter required by 49 C.F.R § 1105.11, was mailed to all agencies listed in 49 C.F.R. § 1105.7(b), as well as the additional agencies listed below via first class mail on June 14, 2012.

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 1105.8, the undersigned hereby certifies that copies of the Environmental and Historic Reports were mailed via first class mail on June 14, 2012 to the following agencies:

Ms. Victoria Rutson  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
395 E Street S.W.  
Washington, DC 20423-0001

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U.S. Department of the Interior  
Bureau of Land Management  
California State Office  
2800 Cottage Way, Suite W-1623  
Sacramento, CA 95825-1886

City of Los Angeles  
Planning Commission  
200 North Spring St.  
Los Angeles, CA 90012

Richard J. Bruckner, Director  
Department of Regional Planning  
County of Los Angeles  
1390 Hall of Records  
320 West Temple Street  
Los Angeles, CA 90012

The National Geodetic Survey  
Department of Commerce/NOAA  
SSMC3  
Station 9356  
1315 East West Highway  
Silver Spring, MD 20910

California Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236

U.S. EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Mr. Jonathan Snyder, Division Chief  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road, Suite 101  
Carlsbad, CA 92011

Ms. Christine Lehnertz, Regional Director  
National Park Service  
Pacific West Region  
333 Bush Street, Suite 500  
San Francisco, CA 94104-2828

Mr. Lincoln E. Burton, State Conservationist  
California NRCS State Office  
430 G Street #4164  
Davis, CA 95616-4164

Mr. Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer  
California State Parks  
Office of Historic Preservation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

U.S. Army Corps of Engineers  
Los Angeles District  
915 Wilshire Blvd., Suite 1101  
Los Angeles, CA 90017

California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

California Department of Transportation  
P.O. Box 942873  
Sacramento, CA 94273-001

Dated: July 5, 2012

  
Karl Morell